

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CURTIS M. COLLINS,)	
)	
Plaintiff,)	
)	C.A. No. 05-739-SLR
v.)	
)	Jury Trial Requested
WARDEN RICK KEARNEY, <i>et al.</i> ,)	
)	
Defendants.)	

STATE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

COMES NOW, State Defendants Warden Rick Kearney, Sergeant James Chandler, Officer Bradley Berezansky, Officer Michael Milligan, Officer Jeffrey Daisey, and Officer Irvin Johnson (the "State Defendants"), by and through their undersigned counsel, and hereby move this Honorable Court (the "Motion") to enter an Order, substantially in the form attached hereto, dismissing with prejudice all claims against them pursuant to Rule 56(c) of the Federal Rules of Civil Procedure. In support of the Motion, State Defendants have filed simultaneously herewith State Defendants' Opening Brief In Support Of The Motion for Summary Judgment.

WHEREFORE, State Defendants respectfully request that this Honorable Court enter an order, substantially in the form attached hereto, dismissing the claims against them with prejudice.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/ Erika Y. Tross _____

Erika Y. Tross (#4506)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400

Attorney for State Defendants

Dated: December 8, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CURTIS M. COLLINS,)
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Plaintiff,) C.A. No. 05-739-SLR
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)
WARDEN RICK KEARNEY, *et al.*,)
)
)
Defendants.)

ORDER

Upon State Defendants' Motion For Summary Judgment pursuant to Federal Rule Of Civil Procedure 56(c) (the "Motion"); and it appearing that good and sufficient notice of the Motion has been given; and after due deliberation thereon:

IT IS HEREBY ORDERED as follows:

1. The Motion is **GRANTED**.
2. The Complaint filed in the above-captioned action is **DISMISSED WITH PREJUDICE** as to State Defendants Warden Rick Kearney, Sergeant James Chandler, Officer Bradley Berezansky, Officer Michael Milligan, Officer Jeffrey Daisey, and Officer Irvin Johnson.

SO ORDERED this _____ day of _____, 2006.

The Honorable Sue L. Robinson
United States District Court Judge

CERTIFICATE OF SERVICE

I, Erika Y. Tross, Esq., hereby certify that on December 8, 2006, I caused a true and correct copy of the attached *State Defendants' Motion For Summary Judgment* to be served on the following individual in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT:

Inmate Curtis M. Collins
SBI #00314128
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

MANNER OF DELIVERY:

One true copy by facsimile transmission to each recipient
 Two true copies by first class mail, postage prepaid, to each recipient
 Two true copies by Federal Express
 Two true copies by hand delivery to each recipient

/s/ Erika Y. Tross

Erika Y. Tross (#4506)
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